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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/634,092	08/04/2003	Dean H. Vogler	CML01263H	5887
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MOTOROLA, INC. 1303 EAST ALGONQUIN ROAD IL01/3RD SCHAUMBURG, IL 60196			EXAMINER AHUJA, SUPRIYA	
			ART UNIT 2137	PAPER NUMBER
			NOTIFICATION DATE 06/22/2007	DELIVERY MODE ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

Docketing.Schaumburg@motorola.com  
APT099@motorola.com

<b>Office Action Summary</b>	<b>Application No.</b> 10/634,092	<b>Applicant(s)</b> VOGLER ET AL.	
	<b>Examiner</b> Supriya Ahuja	<b>Art Unit</b> 2137	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 04 August 2003.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 04 August 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☒ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Oath/Declaration***

1. The Oath/Declaration is objected to because:

The Oath or Declaration is missing the U.S. Application No. The specification to which the oath or declaration is directed has not been adequately identified. See MPEP § 602.

### ***Specification***

2. The disclosure is objected to because of the following informalities:

The Specification is objected to because of lack of Brief Summary of the Invention.

The following guidelines illustrate the preferred layout for the specification of a utility application. These guidelines are suggested for the applicant's use.

### **Arrangement of the Specification**

As provided in 37 CFR 1.77(b), the specification of a utility application should include the following sections in order. Each of the lettered items should appear in upper case, without underlining or bold type, as a section heading. If no text follows the section heading, the phrase "Not Applicable" should follow the section heading:

- (a) TITLE OF THE INVENTION.
- (b) CROSS-REFERENCE TO RELATED APPLICATIONS.
- (c) STATEMENT REGARDING FEDERALLY SPONSORED RESEARCH OR DEVELOPMENT.
- (d) THE NAMES OF THE PARTIES TO A JOINT RESEARCH AGREEMENT.
- (e) INCORPORATION-BY-REFERENCE OF MATERIAL SUBMITTED ON A COMPACT DISC.
- (f) BACKGROUND OF THE INVENTION.
  - (1) Field of the Invention.
  - (2) Description of Related Art including information disclosed under 37 CFR 1.97 and 1.98.
- (g) BRIEF SUMMARY OF THE INVENTION.
- (h) BRIEF DESCRIPTION OF THE SEVERAL VIEWS OF THE DRAWING(S).
- (i) DETAILED DESCRIPTION OF THE INVENTION.
- (j) CLAIM OR CLAIMS (commencing on a separate sheet).
- (k) ABSTRACT OF THE DISCLOSURE (commencing on a separate sheet).

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- (I) SEQUENCE LISTING (See MPEP § 2424 and 37 CFR 1.821-1.825. A "Sequence Listing" is required on paper if the application discloses a nucleotide or amino acid sequence as defined in 37 CFR 1.821(a) and if the required "Sequence Listing" is not submitted as an electronic document on compact disc).

Appropriate correction is required.

### ***Claim Objections***

3. **Claims 8, 11, 12, 16** are objected to because of the following informalities:

Claim 8, line 5 is missing a period (.) at the end of the claim.

Claim 11, line 3, the phrase "advertisement.." should be replaced by --advertisement.--.

Claim 12, line 3, the phrase "the appanded" should be replaced by --the appended-- and "value;" should be replaced by --value.--.

Claim 16, line 1, the phrase "a a keyed" should be replaced by --a keyed--.

Appropriate correction is required.

### ***Claim Rejections - 35 USC § 112***

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. **Claim 12** is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 12, comprises of a "stop hashing" value which is appended with the advertisement, is unclear as to how this value is different from the values that the hash produces. According to the specification, "stop hashing" character is used to indicate the end of the advertisement, which is

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an intrinsic property of hashing. Therefore, it is unclear and confusing as to what the “stop hashing” value is pointing to and further explanation is required.

***Claim Rejections - 35 USC § 102***

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

7. **Claims 1, 3, 8, 9, 13 and 17** are rejected under 35 U.S.C. 102(e) as being anticipated by Swart et al. (US 20030028890 dated 02/06/2003).

**Claim 1.** A method for rendering encrypted digital content (content data, [0128] lines 25-27), the method comprising the steps of:

obtaining data (content data, [0128] lines 25-27) comprising an advertisement (advertising, [0084], [0128] lines 26-28) and encrypted digital content (encrypted content may possess particular digital information, [0128] lines 22-27); rendering the advertisement to obtain a content encryption key (encryption key, [0128] line 25);

utilizing the content encryption key to decrypt the encrypted digital content ([0128] lines 25-27); and

rendering the digital content ([0128] lines 26-27).

8. **Claim 3.** The method of claim 1 further comprising the step of insuring that the advertisement is completely rendered prior to rendering the digital content [0128] lines 30-31).

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9. **Claim 8.** A method for preparing an advertisement message (advertising, [0084], [0128]

lines 26-28) the method comprising the steps of:

creating an advertisement (advertising, [0084], [0128] lines 26-28); and

determining a content encryption key (CEK) (encryption key, [0128] line 25) based on the advertisement, utilized to decrypt encrypted digital content (encrypted content may possess particular digital information, [0128] lines 22-27).

10. **Claim 9.** The method of claim 8 further comprising the steps of:

prepending the advertisement message (advertising module) containing the CEK (encryption key) to the encrypted digital content (encrypted content) [0128] lines 25-26); and

transmitting the advertisement message containing the CEK and the digital content ([0084], [0128] lines 22-27).

11. **Claim 13.** An apparatus (system processing module, [0128] line 4) comprising:

a DRM module (digital rights management module 731, [0128] line 9) obtaining data (content, [0128] line 15) comprising an advertisement (advertising, [0084], [0128] lines 26-28) and

encrypted digital content (content data, [0128] line 27), rendering the advertisement to obtain a content encryption key, and utilizing the content encryption key (encryption key, [0128] line 25)

to decrypt the encrypted digital content ([0128] lines 25-26); and

a rendering module (content delivery modules, [0128] lines 1-2) rendering the digital content.

12. **Claim 17.** An apparatus (system processing module, [0128] line 4) comprising:

digital content (content data, [0128] line 27);

an advertisement (advertising, [0084], [0128] lines 26-28); and

logic circuitry (encryption processor, [0083] line 10); It is inherent that in order to control

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the execution of encryption, a processor is required) for obtaining a content encryption key (encryption key, [0083] line 12) from the advertisement and encrypting the digital content with a content encryption key ([0083] lines 10-13).

a rendering module (content delivery server, [0083] line 12) rendering the digital content.

***Claim Rejections - 35 USC § 103***

13. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

14. **Claims 2, 10 and 14** are rejected under 35 U.S.C. 103(a) as being unpatentable over Swart et al. (US 20030028890 dated 02/06/2003), and further in view of Stettner (US 20020104090 dated 08/01/2002).

Swart et al. discloses all the limitations of Claims 2, 10 and 14 except that obtaining data comprising an advertisement comprises information taken from the group consisting of a public service announcement, a legal writing, a commercial. The general concept of an advertisement comprising information from a public service announcement, or a legal writing or a commercial (definition: a paid advertisement or promotional announcement, [www.dictionary.com](http://www.dictionary.com)). is well known in the art as illustrated by Stettner which discloses an interactive advertisement 402 which is a commercial for airline tickets and is to be appreciated that other typed of broadcast segments may be displayed, such as public service announcements, previews of upcoming programming, "infocommercials," etc. [0049]. It would have been obvious to one of ordinary skill in the art at

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the time of the invention to modify Swart et al. to include the use of an commercial or a public service announcement in an advertisement as illustrated by Stettner in order to display an interactive video casting transmission ([0049] line 10).

15. **Claims 4, 5, 6, 15, 16 and 18** are rejected under 35 U.S.C. 103(a) as being unpatentable over Swart et al. (US 20030028890 dated 02/06/2003), and further in view of Aucsmith et al. (US 5940513 dated 08/17/1999).

Swart et al. discloses all the limitations of claims 4, 5, 6, 15, 16 and 18 except that a keyed hash algorithm and a public key are used to obtain the content encryption key. The general concept of using a hashing algorithm i.e. a keyed hash algorithm along with a public key to obtain a key is well known in the art as illustrated by Aucsmith et al. which discloses performing a cryptographic hash algorithm on the decrypted executable program using the composite key as a key to grant access (abstract). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Swart et al. to include the use of a hashing algorithm and a public key as illustrated by Aucsmith et al. in order for access control in a computer system (abstract lines 1-2).

16. **Claims 7 and 11** are rejected under 35 U.S.C. 103(a) as being unpatentable over Swart et al. (US 20030028890 dated 02/06/2003), and further in view of Stefik (US 5715403 dated 02/03/1998).

Swart et al. discloses all the limitations of claims 7 and 11 except that a DRM rules file is created and received comprising a length of the advertisement and is transmitted along with the advertisement. The general concept of using a DRM rules file is well known in the art as illustrated by Stefik which discloses a distribution system for distributing digital works



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(advertisement) having one or more usage rights (length of the advertisement) being attached and sent (claim 1 lines 1-2), where usage rights are created from a grammar (claim 1 line 4, 11), where a server repository processes the usage transactions (rules file) to determine (analyze) if access to a digital work can be granted (claim 1). It would have been obvious to one in the ordinary skilled in the art at the time of the invention to modify Swart et al. to include the use of a DRM rules file as illustrated by Stefik in order to determine and analyze the rules.

17. **Claim 12** is rejected under 35 U.S.C. 103(a) as being unpatentable over Swart et al. (US 20030028890 dated 02/06/2003), and further in view of Roe ("Performance of Symmetric Ciphers and One-way Hash Functions" by Michael Roe, from Lecture Notes In Computer Science Vol. 809, Fast Software Encryption, Cambridge Security Workshop Pages 83-89, 1993: Cambridge, UK).

Swart et al. discloses all the limitations of claim 12 except a "stop hashing" value is appended to and transmitted with the advertisement. The general concept of using a stop value in a hash function is well known in the art as illustrated by Roe which discloses performing a hash on a message, where the time needed to call the start and stop hashing routines is a constant plus an amount proportional to the length of the message and therefore, the time taken to hash a message of any particular length can be estimated by interpolating from between the above to measurements (Page 2, lines 5-9; It is an intrinsic property of a hash algorithm to have a stop value in order to stop hashing). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Swart et al. to include the use of a stop hashing routine as illustrated by Roe in order to estimate the length of the message (Page 2 line 8).

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***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Supriya Ahuja whose telephone number is 571-270-1588. The examiner can normally be reached on Monday - Thursday 9:30 -7:00; 2nd Friday 9:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Emmanuel Moise can be reached on 571-272-3865. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

*Supriya Ahuja*

S.A.

June 11, 2007

  
EMMANUEL L. MOISE  
SUPERVISORY PATENT EXAMINER